

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

|   |   |                                 |
|---|---|---------------------------------|
| United States of America                          | ) |                                 |
| v.  | ) |                                 |
|   | ) | Case No: <u>1:07CR00032-005</u> |
| CLIFTON EARL WAGNER SMITH                         | ) | USM No: <u>21970-058</u>        |
| Date of Previous Judgment: <u>1/29/2008</u>       | ) | None                            |
| (Use Date of Last Amended Judgment if Applicable) | ) | Defendant's Attorney            |

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

|   |  |
|---|--|
| Previous Offense Level: <u>27</u>                         | Amended Offense Level: <u>27</u>                         |
| Criminal History Category: <u>II</u>                      | Criminal History Category: <u>II</u>                     |
| Previous Guideline Range: <u>240</u> to <u>240</u> months | Amended Guideline Range: <u>240</u> to <u>240</u> months |

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): The 2007 Edition of the Guidelines Manual (including Amendment 706) was applied in the original sentencing; therefore, there is no further reduction.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated 1/29/2008 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: June 30, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Lacy H. Thornburg  
United States District Judge

